

Applications under the CAT's Fast Track Procedure Remain New Territory

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The Prinknash Bird and Deer Park in Gloucestershire is claiming damages from its landlord and has applied to the CAT for a fast-track hearing of the substantive issues within six months. Global Competition Review approached Hausfeld partner, Anna Morfey, for comment. Focusing on the fast-track application aspects, she said:

"It will be interesting to see how the Tribunal approaches the claimants' application that their claim be dealt with under the CAT's fast-track procedure (introduced in 2015), especially given that only a few cases have yet been considered under that regime, which remains relatively new territory. The claim also treads relatively new ground in seeking injunctive relief – which the CAT has only been able to grant since the changes to its powers introduced in 2015.

The fact that there appear to be only two parties to this claim might assist the claimants in securing the fast-track designation they are seeking – this was one of the factors that led to the *Socrates v Law Society* claim being allowed to proceed on the fast-track, and one of the factors that led the CAT in *Breasley Pillows v Vita* (where there were several claimant entities) to reject the claimants' fast-track request. But there are several criteria the CAT will consider in determining whether fast-track is appropriate, including matters such as urgency, how long the trial is expected to last, and the extent of disclosure that will be required, so we will have to wait and see.

But even outside of the formal 'fast-track' procedure, the CAT's case management powers enable it to deal with smaller cases proportionately and speedily – which can be essential for claimants who don't necessarily have deep pockets or an appetite for protracted litigation, and is one of the attractions of the CAT as a forum for bringing claims."

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